IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 740 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/03/2005 in WP NO : 1819 OF 2005 on the file of the High Court.)

Between:

J.Suresh Kumar, S/o.Shri J.Soloman, Telecom Line Inspector,
Prematurely retired due to ill health, R/o.Sangareddy.

..... APPELLANT

AND

1 The Chief General Manager, Telecom-BSNL-Nampally Station Road, Hyderabad.
2 The General Manager, Telecom-BSNL, Medak Telecom District,Sangareddy.

.....RESPONDENTS

Counsel for the Appellant:MR.C.SURYANARAYANA

Counsel for the Respondent Nos.1 & 2: MR.C.YADAGIRI

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

This writ appeal is preferred by the appellant against the order of the learned single Judge passed in W.P.No:1819 of 2005, dated 1.3.2005, by which the writ petition is dismissed.

The appellant is the writ petitioner. He filed the writ petition seeking a direction in the nature of writ of mandamus to declare that the petitioner is entitled to compassionate appointment as regular Mazdoor, if not in a higher post like Office Assistant despite the fact that he passed S.S.C. The learned single Judge having observed that each case has to be decided on its own merits depending upon the size of the family as well as the financial status of the retired employee and therefore, the case of the writ petitioner cannot be compared with the other person who was given appointment on compassionate grounds, dismissed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel on either side.

It is contended by the learned counsel for the writ petitioner that the cases of similarly situated persons have been considered for appointment on the recommendations made by the High Level Committee, but the case of the writ petitioner has been rejected without assigning any reasons. It is further contended that the father of the writ petitioner took voluntary retirement on medical invalidation and the benefits accrued to the father of the writ petitioner, were spent for the marriage of his daughter and there is no earning member in the family and therefore, the writ petitioner is entitled for compassionate appointment.

In view of the observations of the learned single Judge that the High Level Committee met on 24.1.2004 by taking into consideration the size of the family as well as its assets, rejected the case of the petitioner, this Court has directed the learned counsel appearing on behalf of B.S.N.L. to produce the records before this Court.

Accordingly, the relevant record has been produced before this Court today. We had an occasion to go through the entire record. The High Power Committee has categorized the cases as A1, B1, B2 and C. A-1 deals with the cases in respect of the spouse of the deceased for group-D. B-1 deals with the cases in respect of wards of the deceased for group-C. B-2 deals with the cases in respect of wards of the deceased for group-D and Category-C deals with the cases in respect of the officials retired on medical invalidation. The case of the writ petitioner comes under the category of "C". As per the annexure, category C for three cases indicates recommendations of the High Power Committee in respect of the officials retired on medical invalidation. One case was recommended and the remaining two cases were rejected. A perusal of the annexure simply goes to show that the case of the petitioner was rejected, but no reasons are assigned as to the rejection in the remarks column. The only person who has been recommended under the category-C is one N.Srinivasarao who is the son of Ex.Managing Director, Coaxial, Kodad, N.G.D. The father of the writ petitioner is an Ex. Line Inspector.

A perusal of the Note clearly goes to show that the G.M.T.D. Sangareddy has forwarded the case duly recommending the case of the petitioner for a group-D post. However, the following omissions are noticed in the documents:

1.No objection certificates from the major members of the familty (including married daughters) are not furnished.

2.Representation from the ex official seeking employment to his son is not enclosed.

3.Medical Board Certificate in original is not enclosed.

4.Amount of LIC/PLI policies are not indicated in part-A of synopsis.

The note further shows that the above necessary documents have been furnished and the same have been placed before the High Power Committee. In the absence of assigning any reasons either to recommend or reject the case of the persons for appointment on compassionate appointment, it is much difficult to assess as to whether the norms as contemplated under the scheme viz., the size of the family,

age of the children and the financial status of the retired employee etc., have been followed and taken into consideration while considering the respective cases.

In the absence of any reasons assigned for rejecting the case of the writ petitioner and in view of the fact that the case of the petitioner clearly falls under the category-C and in view of simply recommending the case of one N.Srinivasarao under C-category without assigning any reasons, there is no other go except to observe that the case of the petitioner, being the son of an ex-Line Inspector has been rejected whereas the case of one N.Srinivasarao, being the son of ex-Managing Director has been recommended and as such, the action of the High Power Committee is arbitrary and biased one.

Considering the fact that there is no earning member in the family of the petitioner and also the above facts and circumstances of the case, we have no hesitation to hold that it is a fit case wherein the case of the petitioner can be considered for appointment on compassionate grounds. Therefore, the order of the learned single Judge is liable to be set aside.

Accordingly, this writ appeal is allowed setting aside the order of the learned single Judge. Consequently, the writ petition is allowed as prayed for.

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(T.MEENA KUMARI, J)

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(P.LAKSHMANA REDDY, J)

27.06.2005

Gurc

To

1 The Chief General Manager, Telecom-BSNL-Nampally Station Road, Hyderabad.
2 The General Manager, Telecom-BSNL, Medak Telecom District,Sangareddy.

3. 2 CD copies

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